

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>CCC INTELLIGENT SOLUTIONS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:18-cv-07246</b>
<b>v.</b>	)	
	)	<b>Hon. Robert W. Gettleman</b>
<b>TRACTABLE INC.,</b>	)	
	)	<b>Hon. Susan E. Cox</b>
<b>Defendant.</b>	)	

**CCC INTELLIGENT SOLUTIONS INC.'S REQUEST FOR INTERNATIONAL  
JUDICIAL ASSISTANCE PURSUANT TO THE HAGUE CONVENTION OF 18  
MARCH 1970 ON THE TAKING OF EVIDENCE ABROAD  
IN CIVIL OR COMMERCIAL MATTERS**

In conformity with the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters ("Hague Convention"), the Honorable Susan E. Cox, United States Magistrate Judge for the U.S. District Court for the Northern District of Illinois, respectfully requests your assistance with regard to the matters set forth below. The Court considers that the evidence sought in this letter of request is directly relevant and material to the issues in dispute and the determination of the substantive claims before this Court.

<b>1. Sender</b>	The Honorable Susan E. Cox U.S. District Court for the Northern District of Illinois Everett McKinley Dirksen U.S. Courthouse 219 South Dearborn Street Chicago, IL 60604 United States of America
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- 2. Central Authority of the Requested State** The Senior Master of the King's Bench Division of the High Court of Justice of England and Wales  
Room E16  
Royal Courts of Justice  
Strand  
LONDON WC2A 2LL  
United Kingdom
- 3. Person to Whom the Executed Request Is to be Returned** Martin Davies  
Robin Spedding  
LATHAM & WATKINS LLP  
99 Bishopsgate, London  
EC2M 3XF, United Kingdom  
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Fax: +44 20 7374 4460  
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wilson.boardman@lw.com

**4. Specification of the Date by Which the Requesting Authority Requires Receipt of the Response to the Letter of Request**

*Date* April 22, 2023

*Reason for Urgency* Fact discovery in this case is scheduled to close on June 14, 2023. This short timeline underscores CCC's interest in obtaining testimony from Surekli and Mullan by the date listed above.

**5. In Conformity with Article 3 of the Hague Convention, the Undersigned Applicant Has the Honor to Submit the Following Request:**

- a. Requesting* The Honorable Robert W. Gettleman  
*Judicial Authority* The Honorable Susan E. Cox  
United States District Court for the Northern District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604  
United States of America
- b. To the Competent* The Senior Master of the King's Bench Division of the High Court  
*Authority of* of Justice of England and Wales  
For the Attention of the Foreign Process Section  
Room E16  
Royal Courts of Justice  
Strand  
LONDON WC2A 2LL  
United Kingdom
- c. Names of the* CCC Intelligent Solutions Inc., v. Tractable Inc.  
*Case and* Case Number 1:18-cv-07246  
*Identifying* In the Northern District of Illinois, Eastern Division  
*Number*

**6. Names and Addresses of the Parties and Their Representatives**

*a. Plaintiff* CCC Intelligent Solutions Inc.

*Counsel for  
Plaintiff* Martin Davies  
Robin Spedding  
LATHAM & WATKINS LLP  
99 Bishopsgate, London  
EC2M 3XF, United Kingdom  
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*b. Defendant*

Tractable Inc.

*Counsel for  
Defendants*

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## **7. The Proceeding at Issue**

*a. Nature of the  
Proceeding*

This action is a commercial dispute involving the following claims: violation of the Defense of Trade Secrets Act of 2016, 18 U.S.C. § 1030; violation of the Illinois Trade Secrets Act of 2016, 765 ILCS 1065/2; trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114; false designation of origin in violation of the Lanham Act, 15 U.S.C. § 1125; and common law fraud.

The parties are currently engaged in fact discovery, which is scheduled to close on June 14, 2023. The Requesting Court has entered an Agreed Protective Order (the “Protective Order”), attached hereto as Annex 1, which extends to third parties, such as Surekli and Mullan. Third parties may seek confidential treatment of information that they provide in this litigation.

*b. Summary of  
Complaint*

This civil action arises from defendant Tractable’s alleged use of a fictitious independent-appraiser company to illicitly access plaintiff CCC’s proprietary software known as CCC ONE. In 2017, an individual purporting to be “Jason Chen” allegedly contacted CCC, claiming to represent an independent-appraiser company called “JA Appraisal.” “Chen” sought a license to CCC’s proprietary software, including the CCC ONE® Appraisal Platform and CCC ONE® Estimating (collectively, “CCC ONE”). Taking “Chen’s”

representations as true, CCC granted the requested license to “JA Appraisal.” Within a few months, “JA Appraisal” had added six registered users, each time entering into a new independent-appraiser license agreement that prohibited misappropriation of CCC’s proprietary information.

Beginning in April 2018, several third parties told CCC that Tractable was disseminating CCC ONE estimates bearing CCC’s trademarks. Tractable lacked a CCC ONE license, so CCC investigated the customer reports. CCC’s investigation allegedly revealed that “Jason Chen” was an alias for Xing Xin (formerly Tractable’s head of product development and not an independent appraiser) and that Tractable had falsely held itself out to CCC as the fictitious company “JA Appraisal” to fraudulently obtain access to CCC ONE. CCC’s investigation also revealed the atypical nature of Tractable’s use of CCC ONE. Instead of following the conventional appraiser workflow, Tractable appeared to be using CCC ONE to create test files and inputting fictitious information to generate estimates bearing CCC’s marks, with the estimates remaining unlocked so that Tractable could edit them. Tractable’s employees also allegedly misrepresented themselves as “JA Appraisal” employees in numerous communications with CCC customer-service representatives, used aliases instead of actual names, used email accounts that misleadingly were not associated with the “@tractable” domain, and inquired how to import and export estimates into and from CCC ONE—actions that independent appraisers cannot perform and that were intended to further Tractable’s misappropriation of CCC’s proprietary software. In response to these findings, CCC terminated the “JA Appraisal” licenses to CCC ONE and filed the present lawsuit against Tractable.

*c. Summary of  
Defense*

Tractable denies that it committed fraud, trade secret misappropriation, or the other alleged violations of federal and state law. Tractable also alleges the following affirmative defenses: (1) that the “unclean hands” doctrine applies; (2) that CCC’s claims are barred because Tractable had an implied license to CCC ONE; (3) that CCC’s alleged trade secrets do not constitute a trade secret as defined by 18 U.S.C. §1893(3) and/or 765 ILCS 1065/2(c); (4) that CCC’s alleged trade secrets are not protectable as trade secrets because they are readily ascertainable by proper means; (5) that Tractable independently developed its software without reliance on CCC ONE; (6) that CCC failed to mitigate its defenses; (7) CCC failed to take reasonable measures to guard the secrecy of its trade secrets; (8) that CCC is not entitled to injunctive relief because the equitable relief factors are not satisfied; (9) that CCC’s claims are untimely under the statute of limitations and/or doctrine

of laches; (10) that CCC's request for punitive damages violates Tractable's rights under the U.S. Constitution; (11) that CCC is not entitled to any compensatory damages, precluding the recovery of punitive damages, treble damages, or attorneys' fees; (12) that CCC failed to plead fraud with the required particularity; (13) that Tractable did not owe a duty to disclose to CCC; and (14) that the doctrines of estoppel, acquiescence, and/or waiver bar CCC's claims in whole or in part.

## 8. The Evidence at Issue

- |   |  |
|---|--|
| <p><i>a. Evidence to Be Obtained</i></p>        | <p>The Court seeks sworn testimony from Efe Surekli and Phil Mullan regarding the topics identified in Schedules A and B respectively (both of which are attached hereto).</p>   |
| <p><i>b. Purpose of the Evidence Sought</i></p> | <p>As a former Tractable software engineer and the former Vice President of Engineering respectively, Surekli and Mullan are in possession of information that would be directly relevant the claims at issue in this litigation. Both Surekli and Mullan were involved in the development of Tractable's products and in partnerships with third parties that allegedly involved the use of CCC estimates and/or CCC ONE. Mullan was also allegedly involved in Tractable's efforts to access CCC ONE through the "JA Appraisal" licenses, while Surekli allegedly led Tractable's attempts to reverse engineer a file type that CCC claims is proprietary.</p> |

Based upon the facts and issues presented to it, this Requesting Court finds that Surekli and Mullan likely possess information that is relevant and essential to the trial of this action, including but not limited to information relating to Tractable's use of CCC ONE in connection with third-party agreements and the general development of its estimating and artificial-intelligence products. Accordingly, this Court respectfully requests that Surekli and Mullan be caused to appear for sworn oral examination regarding the topics set forth in Schedules A and B respectively.

## 9. Identity and Address of Persons to Be Examined

Phil Mullan  
180 Borough High Street  
London SE1 1LB  
England, United Kingdom

Efe Surekli  
Gemma House  
39 Lilestone Street  
London NW8 8SS  
England, United Kingdom



- 10. Questions to Be Put to the Person to be Examined or Statement of the Subject Matter About Which He Is to Be Examined**
- The Court requests that Phil Mullan and Efe Surekli be questioned by Counsel for Plaintiff, or by the appropriate person appointed by the appropriate English authority, with respect to the topics set forth in Schedule A and Schedule B.
- 11. Documents None or Other Property to Be Inspected**
- None.
- 12. Any Requirements that the Evidence Be Given on Oath or Affirmation and Any Special Form to Be Used**
- The Court respectfully requests sworn testimony, given under oath or affirmation, upon oral examination before a person competent to preside over the examination of each witness.
- 13. Special Methods or Procedure to Be Followed**
- It is requested that:
- a.* Each examination shall be taken under the Federal Rules of Civil Procedure established in the United States of America, except to the extent that such procedure is incompatible with English law;
  - b.* Trial counsel for the parties shall be permitted to attend and conduct the examination of each witness on dates mutually convenient to the parties and the witness, which dates shall in any event be no later than 14 June 2023, being the deadline for closure of fact discovery in this matter;
  - c.* Plaintiff's United States counsel be permitted to conduct the examinations; English counsel for the Plaintiff will assist in the process of securing these depositions, and will be present at the depositions;
  - d.* The proceedings shall take place at Latham & Watkins LLP, 99 Bishopsgate, London, EC2M 3XF, United Kingdom;
  - e.* The testimony shall be allowed to continue until completed, except that the testimony shall not exceed seven hours per day, and shall not exceed a total of fourteen hours;

*f.* The testimony of each witness shall be videotaped and recorded verbatim in writing, and that a videographer and a stenographer licensed in the United States as a court reporter be permitted to attend each deposition in order to record the testimony, and transcripts and video recording shall be returned to English counsel of Latham & Watkins LLP, at the address appearing in paragraph *d* above, and made available to United States counsel via digital means;

*g.* The transcript of each witness's sworn testimony shall be authenticated by the witness's signature acknowledging it as a true record and that any documents used in the examination be marked as exhibits and incorporated into the record of the sworn testimony; such testimony shall be incorporated into the record by 14 June 2023, being the deadline for closure of fact evidence in this matter;

*h.* To the extent that any portion of these Letters of Request cannot be granted, it is respectfully requested that the remaining parts be granted.

**14. Request for  
Notification of Time  
and Place for  
Execution of the  
Request and  
Identity and  
Address of Any  
Person to Be  
Notified**

Please notify the following counsel regarding the time and place for the execution of the Request.

*For Plaintiff CCC Intelligent Solutions Inc.:*

Martin Davies  
Robin Spedding  
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**15. Request for Attendance or Participation of Judicial Personnel of the Requesting Authority at the Execution of the Letter of Request**

None.

**16. Specification of Privilege or Duty to Refuse to Give Evidence Under the Law of the State of Origin**

The witnesses may refuse to answer any question propounded which: (1) would subject it to a real and appreciable danger of criminal liability in the United States or the United Kingdom, or (2) would disclose a communication that is subject to the attorney–client privilege, or information that is subject to the attorney-work-product privilege.

**17. The Fees and Costs Incurred Which Are Reimbursable Under the Second Paragraph of Article 14 or Under Article 26 of the Hague Convention Will Be Borne By**

Please direct request for reimbursement to:

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wilson.boardman@lw.com

**Date of Request**

April 7, 2023

**Signature and Seal of  
the Requesting  
Authority**

WITNESSED, The Honorable Susan E. Cox of this Court, and the  
  
seal thereof, at Chicago, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_,  
  
2023.

**COURT SEAL**